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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,147	07/03/2003	Henri Georges Bois	15675P466	6726

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EXAMINER
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PASCUA, JES F

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/613,147

Applicant(s)

BOIS, HENRI GEORGES

Examiner

Jes F. Pascua

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Terminal Disclaimer***

1. The terminal disclaimer filed on 12/27/2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 6,637,937 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 2, 6-9 and 12 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Cappel et al. '999. See Figs. 4a-4d.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cappel et al. and Ishizaki (European Patent Application No. 0 941 937 A1, cited by applicant).

Regarding claim 3, Cappel et al. '999 discloses the claimed invention except for the tamper-evident label 40 positioned adjacent the slider instead of covering the slider. Ishizaki shows that covering the slider with an analogous tamper-evident strip is an equivalent location known in the art. Therefore, because these two tamper-evident strip locations were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to place the tamper-evident label over the slider.

Regarding claim 10, Cappel et al. '999 discloses the claimed device except for the tamper-evident label extending over the entire length of the bag mouth. Ishizaki discloses that it is known in the art to provide an analogous tamper-evident strip over the entire length of a bag mouth. It would have been obvious to one having ordinary skill in the art at the time the invention was made to the tamper-evident label of Cappel et al. '999 over the entire length of the bag mouth as taught by Ishizaki, in order to prevent access along the entire length of the bag mouth without tampering.

Regarding claims 13 and 14, Cappel et al. '999 discloses the claimed device, especially cutting the tamper-evident label. However, Cappel et al. '999 does not show the slider having a blade. Ishizaki discloses that it is known in the art to provide a blade 16 with a sloping leading face on the slider of an analogous bag. It would have been obvious to one having ordinary skill in the art at the time the invention was made to

provide the slider of Cappel et al. '999 with the blade of Ishizaki, in order to cut the tamper-evident label.

### ***Response to Arguments***

6. Applicant's arguments filed 12/27/2005 have been fully considered but they are not persuasive.

All of applicant's remarks rely on the argument that the marker strip of Cappel et al. '999 is not integrally formed with a wall of the bag and includes a single use adhesive zone fixed on opposite wall of the bag. Cappel et al. clearly discloses the end sections 40a, 40b of the marker strip 40 being permanently adhered to opposite walls of the bag. See column 7, lines 36-40. The permanently adhered end sections of Cappel et al. '999 meet the structure of the recitation "a single use adhesive zone designed to fix it in its in-use position on the opposite wall of the bag". Regarding the recitation "said marker strip is formed integrally with a wall of the bag", the phrase "formed integrally" is sufficiently broad to encompass the structure in Figs. 4a-4d of Cappel et al. '999, which shows the end sections 40a, 40b being secured to the opposing bag walls with permanent adhesive. Furthermore, there is nothing in the four corners of applicant's specification necessarily restricting the bag walls and marker strip to a one-piece article.


### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jes F. Pascua whose telephone number is 571-272-4546. The examiner can normally be reached on Mon.-Thurs..

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jes F. Pascua  
Primary Examiner  
Art Unit 3727

JFP



1 / 3

FIG. 1

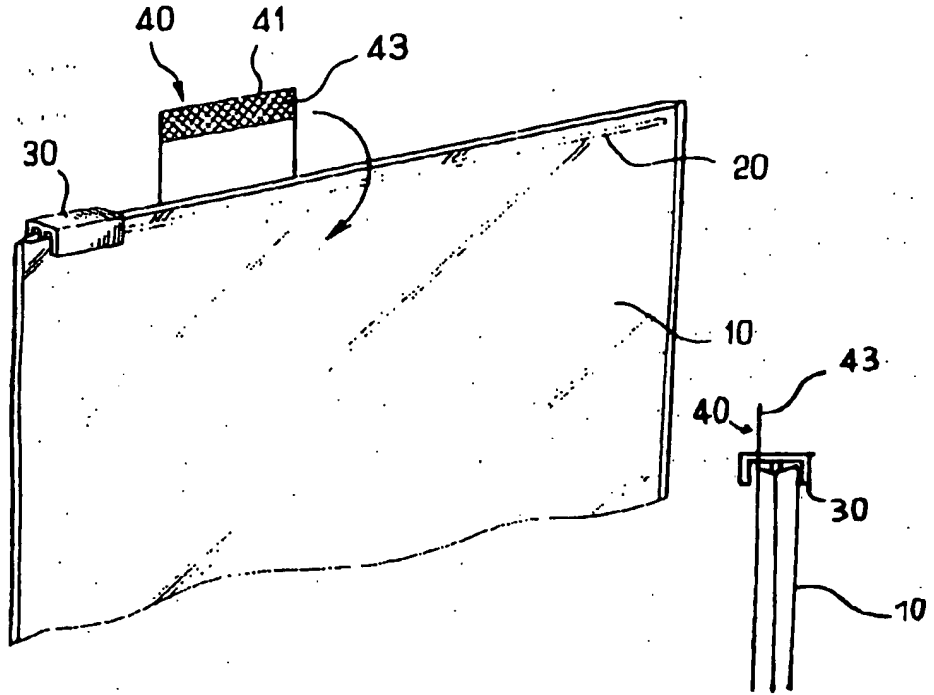
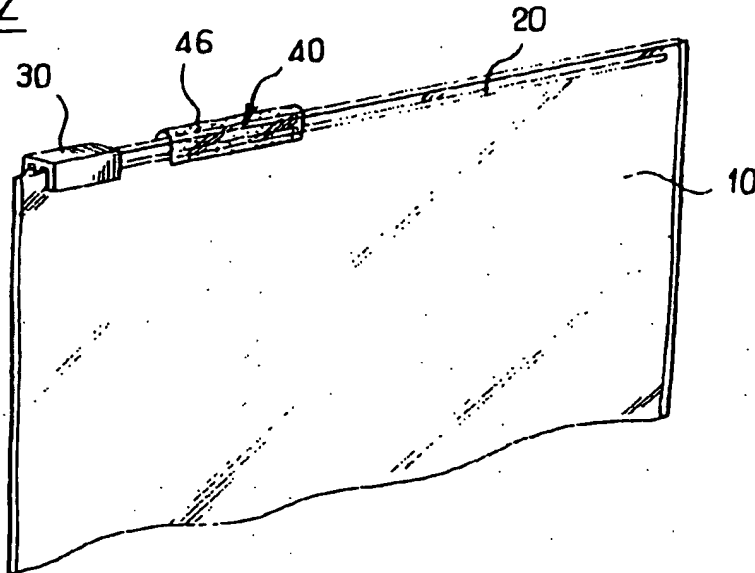


FIG. 1a

FIG. 2



REPLACEMENT SHEET

Approved.  
01/26/06